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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,049	10/11/2001	Kojiro Yamazaki	0051-0165P-SP	7614

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
3636	

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .	09/974,049	Applicant(s)	YAMAZAKI ET AL.
Examiner	Joseph F Edell	Art Unit	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 October 2001.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 6-9 and 15-17 is/are allowed.
- 6) Claim(s) 1-5 and 18-22 is/are rejected.
- 7) Claim(s) 10-14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. Figures 11A and 11B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 3 and 12 are objected to because of the following informalities: "is, formed" should read "is formed". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.  
  
4. Claims 10, 18, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "its" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 18 and 22, the phrase "the second projection is capable of climbing over the first projection" in lines 2-3 and lines 2-3, respectively, is unclear rendering the scope of the claims indefinite.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 and 19-22, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,308,315 to Smith.

Smith discloses a child car seat that includes all the limitations recited in claims 1-5 and 19-22, as best understood. Smith shows a child car seat having a seat bottom 1 (Fig. 1), a seat back 18 (Fig. 1) capable of turning, a strap 7,8 (Fig. 1) with an anchoring member 14 (Fig. 1), a strap tightening device 11 (Fig. 1) capable of engaging the seat bottom, a stepped part, a housing recess in the seat bottom, seat back connecting projections 20 (Fig. 2) engaged in seat bottom slots, a first projection 23 (Fig. 3) on the seat bottom inner surface, and a second projection 25 (Fig. 2) on the seat back outer surface capable of engaging the first projection to limit the angle between the seat bottom and back.

***Allowable Subj ct Matter***

7. Claims 6-9 and 15-17 allowed.

Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to child car seats:

U.S. Pat. No. 2,777,502 to Travis

U.S. Pat. No. 3,325,213 to Levy

U.S. Pat. No. 3,404,917 to Smith

U.S. Pat. No. 4,461,510 to Cunningham et al.

U.S. Pat. No. 5,383,708 to Nagasaka et al. U.S. Pat. No. 5,695,243 to Anthoy et al.

U.S. Pat. No. 5,845,968 to Lovie

U.S. Pat. No. 6,481,794 B1 to Kassai et al.

PCT Pub. No. 99 37499 to Bergenheim

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE   
January 7, 2003

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600